Testimony By Ms. Mary Kiffmeyer

Minnesota Secretary of State

Chairman Ehlers and Chairman Boehlert and members, thank you for the opportunity to address the U. S. House of Representatives' Committees on House Administration and Committee on Science. The opportunity to inform the committees of the needs of the states regarding "Voting Machines: Will the New Standards and Guidelines Help Prevent Future Problems?" is very important to me and to other election officials in other states. Minnesota has long been a leader in elections in this country.

Minnesotans have led the nation in voter turnout for several years now including the important 18- to 24-year-old segment of the voting population. One reason for high involvement is that Minnesotans have demanded that elections meet the highest standards of accuracy, access, integrity, and privacy. So, the implementation of HAVA has only helped to assist in this process.

In the implementation of HAVA in Minnesota, access and privacy are being greatly increased through the use of disability-accessible voting equipment. In the process of evaluating potential equipment, accuracy and integrity were deemed important objectives, along with the 2005 VVSG. In addition, the Secretary of State and all major parties came to the conclusion that Minnesota should hold to a long-established requirement of paper ballots for elections.

Q. To what extent are the 2005 Voluntary Voting Systems Guidelines (VVSG) being used by Minnesota and why? If Minnesota is not adopting to the 2005 VVSG, what standards are you using for voting equipment purchasing decisions and operation, and why did you select these standards?

A. Minnesota chose to use the 2005 Voluntary Voting Systems Guidelines in order to be in line with the best information we could get on election systems. In 2005, the State of Minnesota published a Request for Proposals (RFP) for the statewide purchase of HAVA-compliant voting equipment, both assistive-voting equipment and vote-tabulating equipment. In preparation of the RFP, the 2005 Voluntary Voting System Guidelines (VVSG) were used to establish accessibility and usability requirements for the assistive voting equipment and the RFP required that all equipment purchased under the contract comply with the 2005 VVSG. At the time the RFP was published, the 2005 Voluntary Voting System Guidelines had not yet been adopted. Therefore, the final contract required that the voting equipment vendor would be responsible for bringing the systems into compliance with the Voluntary Voting System Guidelines upon final adoption by the EAC.

The Minnesota State Plan called for the state to make grants to counties from HAVA funds for the purchase of this equipment. Counties were required to prepare plans for the voting equipment they would purchase with these grant funds. Many counties already had vote-tabulating equipment; however, it was learned that the vendor would not be upgrading the older equipment to 2005 VVSG standards. Consequently, the state made the choice to permit the use of grant funds to replace this older equipment with the intent to bring all voting equipment in the state up to the 2005 VVSG standards.

Finally, due to security concerns raised during the comment period for the adoption of the 2005 VVSG standards, it was decided, in the interest of Minnesota voters who shared these concerns for security, that Minnesota would only permit the use of paper ballots in its elections. Therefore, statutes were amended in the 2006 legislative session implementing this strict paper ballot requirement.

Q. Are the 2005 VVSG comprehensive enough to guide states' voting equipment purchasing decisions and voting systems operation during elections? If so, why, and if not, why not?

A. No, the security standards of the 2005 VVSG are not sufficiently comprehensive to ensure security in our election systems. The use of technology for voting increases the risk that security of the voting system will be breached, if proper safeguards are not taken. More comprehensive treatment in two areas alone would increase confidence in electronic voting systems. First is the use of wireless components. Because of concerns with wireless components in the polling place, wireless components should only be turned on after the polls close and voting is complete or strict security guidelines are developed. Also, to provide for maximal trust in election systems in the United States, I believe that a voter-verified paper audit trail should be highly considered required in the VVSG. (In Minnesota, I am pleased to say, we have the ultimate voter-verified paper trail: the

actual ballots that voters have marked.) This will help provide assurance that the elections process is being conducted in an accurate and fair manner. I believe that voters should be able to verify their votes in complete confidence that their votes are counted as cast. And a VVPAT is necessary for purposes of a recount and that of an audit trail.

The current VVSG is good for as far as it goes, but it needs to be evaluated after the next election to see how the equipment functioned and what would be better. Any necessary modifications need to be made with an emphasis on software changes and hardware security changes first. The cost of implementing new hardware could be a burden on the taxpayers and should be avoided if at all possible.

Q. What do the Elections Assistance Commission and Technical Guidelines Development Committee (TGDC) need to do to make it more likely that states will update equipment using the latest VVSG? Do the 2005 VVSG need to be changed or improved in any way to make them more useful to the states? If so, what changes or additional information would you recommend for the VVSG? If not, why not?

A. Time is an issue. The next effective date is too close for election administration to both evaluate the current system and propose improvements. Thorough study of the effectiveness of the equipment in the conduct of elections must be evaluated. After that study ideas and suggestions must be given regarding the improvement of the election process. This takes time and the current timeframe is much too short.

In addition, caution should be given to large capital expenditures to replace equipment. If at all possible software changes and upgrades that would improve the process would be preferred and allow the hardware changes to take affect later in order to make maximum use of current expenditures by the federal government, states and local jurisdictions.

Q. How important are human factors, such as those described in the National Institute of Standards and Technology (NIST) 2004 report "Improving the Usability and Accessibility of Voting Systems and Products," in your selection of voting equipment? Is this report, together with the 2005 VVSG, having an impact on voting systems and elections, and if so, how? If not, why not?

A. Human factors were extremely

important in the development of voting equipment requirements for the State of Minnesota. In the early stages of HAVA, our state worked closely with the disability community to seek their advice as to the human factors in their voting experience. We considered them the experts.

When it was decided that the state would be acquiring new voting equipment, one of the first actions taken was to form a diverse group of citizens to assist the Secretary of State in defining the requirements for voting systems to be used in Minnesota. A Voting Equipment Proposal Advisory Committee (VEPAC) was established for this purpose. This group included members with different disabilities for their input on accessibility and usability, local election administrators, and citizens motivated to improve the election process in the state. This committee researched the election equipment study reports, including the report, "Improving the Usability and Accessibility of Voting Systems and Products," and made recommendations to the Secretary of State that were incorporated into the final equipment requirements of the state voting equipment contract. Members of the committee then helped score RFPs and select equipment. Accessibility and usability of the equipment eventually chosen was of the greatest importance in its ultimate selection in addition to the critical base requirements of security, accuracy and integrity.

Thank you for the opportunity to testify before your committees and your willingness to hear from those who administer elections in the states. I would like to re-emphasize that no matter what modifications may be made to the VVSG, it must incorporate the need for access, accuracy, integrity, and privacy. And for the best use of funds already invested both now and in the future, please give the needed time for evaluation of the current situation of the election systems prior to implementation of new standards.